

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MT. HAWLEY INSURANCE COMPANY,
an Illinois Corporation,
Plaintiff,

Case No.: 1:22-cv-03191-GHW

Oral Argument Requested

-against-

NOTICE OF MOTION

SPRING MOUNTAIN VINEYARD, INC.,
A Delaware Corporation,

Defendant.
-----X

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Motion of Defendant Spring Mountain Vineyard, Inc. (“SMV”) to Dismiss or Stay the Complaint, the accompanying Declaration of Jay B. Spievack, dated July 27, 2022, with exhibits annexed thereto, the Declaration of Mary Seavoy, dated July 27, 2022, with exhibits annexed thereto, and the Declaration of Timquin Larsen, dated July 20, 2022, with exhibits annexed thereto, and all prior pleadings and proceedings had herein, Defendant Spring Mountain Vineyard, Inc., by and through its counsel, Cohen Tauber Spievack & Wagner, P.C., shall move this Court before the Honorable Gregory H. Woods at the United States Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York, at a date and time to be determined by the Court, for an Order to dismissing or, alternatively, staying this declaratory judgment action in favor of a first-filed action pending in California, captioned *Spring Mountain Vineyards, Inc. v. Landmark American Ins. Co.*, et. al, Case No. 22CV000270 (Napa County, California), along with such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s June 30, 2022 Order, papers in opposition to this motion shall be filed four weeks after service of Defendant’s motion.

Dated: July 28, 2022

COHEN TAUBER SPIEVACK & WAGNER P.C.
*Counsel for Defendant Spring Mountain Vineyards,
Inc.*

By: /s/ Jay B. Spievack
Jay B. Spievack
Jackson S. Davis
420 Lexington Avenue, Suite 2400
New York, New York 10170
Tel.: (212) 586-5800
jspievack@ctswlaw.com
jdavis@ctswlaw.com